



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

su

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,373	01/16/2002	Philippe Furodet	024118-00011	9237

4372 7590 11/15/2004

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

LARSON, LOWELL A

ART UNIT PAPER NUMBER

3725

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,373

Applicant(s)

FURODET, PHILIPPE

Examiner

Lowell A Larson

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 23, 2004 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11 and 15 to 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has provided no clear disclosure of a stamping process including an arrow, as required by Claim 11, of replacing the blank holder with "other support means or by friction rollers", as recited in Claim 15, or of a stamping process

Art Unit: 3725

including a folding machine, as required by Claims 16 and 17, such that one skilled in the art would be able to practice the invention.

5. Claims 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

No clear antecedent basis is found for "such shims" in Claim 29. In Claim 32 "optionally provided" is speculative and indefinite.

Claim Rejections - 35 USC § 103

6. Claims 1, 2, 4 to 8, 10, 12 to 14, 18 to 26, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kaupert et al. (newly cited).

From the last paragraph of page 4 of the specification it is admitted prior art to form benches having imprints, such as that shown in Figure 2, by stamping presses having blank holders such as that shown in Figure 1. The prior art stamping press does not have profiled blank holders.

Kaupert et al. discloses progressive stamping in which, as seen in Figures 1 to 6, the blank holder 4, 11 has a profile geometrically adapted to reproduce a portion of the form created by punching, by which the sheet is clamped in the vicinity of the die 1, 2 for the progressive stamping of identical forms. Kaupert et al. advises that a precise fixing of the stamped forms is achieved. See column 12, lines 26 to 29.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the rear blank holder of the Figure 1 prior art stamping

press with a profile adapted to reproduce a portion of the form created by punching, following the suggestion of Kaupert et al., in order to obtain precision dimensions in progressive stamping. The number of stamped forms in the product, as recited in Claim 7 for example, is an obvious exercise of designer's choice merely depending on characteristics desired in the product. Finding an optimum stamping force, as recited in Claim 13, for any specific material is an obvious exercise of routine experimentation. The pulling in of the material as the forming by the first die begins taught by Kaupert et al. is considered to be a self-centering, as recited in Claim 18.

7. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kaupert et al. as applied to Claim 1 above, and further in view of Ragland, Jr. (newly cited).

These claims require the first blank holder to have a profiled surface to favor transition of the material to the die. Ragland, Jr. shows such blank holder profiling to be well known in the stamping art. It would have been further obvious to profile the first blank holder of Figure 1 in a manner to favor transition of the material to the die, as taught by Ragland, Jr., in order to avoid forming tears or wrinkles in the shaped form.

8. Claims 27 to 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kaupert et al. as applied to Claim 1 above, and further in view of Chesney (of record).

These claims require the die to have dismountable pieces in order to change the dimensions of the form. Chesney shows such dies to be well known in the stamping art. See piece 30 in Figure 2.

It would have been further obvious to provide the dies in the Figure 1 prior art stamping press with the capacity for dimension adjustment by the use of dismountable pieces, as shown by Chesney, in order to facilitate forming products having different dimensions adapted for use in different environs.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 31 and 32 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art.

These claims fail to distinguish over the bench formed by the admitted prior art stamping, as shown in Figure 2. In Claim 31 “imprints are close together” does not quantitatively or structurally define a profile different from that shown in the figure.

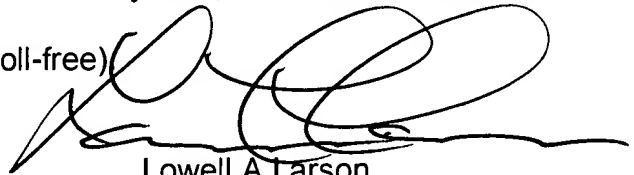
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A Larson whose telephone number is 703 308-1873. The examiner can normally be reached from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached at 703 308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lowell A. Larson', is written over the end of the paragraph.

Lowell A Larson
Primary Examiner
Art Unit 3725

LAL
November 10, 2004